

First Regular Session
Seventy-second General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 19-0376.01 Jennifer Berman x3286

SENATE BILL 19-159

SENATE SPONSORSHIP

Bridges and Donovan, Crowder, Ginal, Williams A.

HOUSE SPONSORSHIP

McCluskie,

Senate Committees

Local Government

House Committees

A BILL FOR AN ACT

101 **CONCERNING THE CONTINUATION OF THE PASSENGER TRAMWAY**
102 **SAFETY BOARD, AND, IN CONNECTION THEREWITH,**
103 **IMPLEMENTING SOME OF THE RECOMMENDATIONS CONTAINED**
104 **IN THE 2018 SUNSET REPORT BY THE DEPARTMENT OF**
105 **REGULATORY AGENCIES.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov/>.)

Sunset Process - Senate Local Government Committee. The bill implements some of the recommendations of the department of regulatory

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

agencies' sunset review and report on the passenger tramway safety board (board) by:

- ! Continuing the functions of the board for 11 years, until 2030 (**sections 1 and 2** of the bill);
- ! Removing the requirement that letters of admonition be sent by certified mail (**section 3**);
- ! Replacing statutory references to the program administrator with references to the program director (**sections 4 and 5**).

Sections 6 through 9 make conforming amendments to harmonize the bill with House Bill 19-1172, the bill to recodify and reorganize title 12.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, **amend** 25-5-721 as
3 follows:

4 **25-5-721. Repeal of part.** (1) This part 7 is repealed, effective
5 ~~July 1, 2019~~ SEPTEMBER 1, 2030.

6 (2) ~~Prior to such~~ BEFORE ITS repeal, the passenger tramway safety
7 board ~~shall be reviewed as provided for in~~ IS SCHEDULED FOR REVIEW IN
8 ACCORDANCE WITH section 24-34-104. ~~C.R.S.~~

9 **SECTION 2.** In Colorado Revised Statutes, 24-34-104, **repeal**
10 (16)(a)(I); and **add** (31)(a)(II) as follows:

11 **24-34-104. General assembly review of regulatory agencies
12 and functions for repeal, continuation, or reestablishment - legislative
13 declaration - repeal.** (16)(a) The following agencies, functions, or both,
14 will repeal on July 1, 2019:

15 (I) ~~The passenger tramway safety board created in section~~
16 ~~25-5-703, C.R.S.;~~

17 (31)(a) The following agencies, functions, or both, are scheduled
18 for repeal on September 1, 2030:

19 (II) THE PASSENGER TRAMWAY SAFETY BOARD CREATED IN

1 SECTION 25-5-703.

2 **SECTION 3.** In Colorado Revised Statutes, 25-5-706, **amend** (2)
3 introductory portion, (2)(b)(I), and (2)(b)(II) as follows:

4 **25-5-706. Disciplinary action - administrative sanctions -**
5 **grounds.** (2) ~~Disciplinary action of~~ The board may ~~be imposed~~ IMPOSE
6 DISCIPLINARY ACTION as an alternative to or in conjunction with the
7 issuance of orders or the pursuit of other remedies provided by section
8 25-5-707 or 25-5-716. ~~and~~ DISCIPLINARY ACTION may ~~consist of~~ INCLUDE
9 any of the following:

10 (b) (I) When a complaint or investigation discloses an instance of
11 misconduct that, in the opinion of the board, does not warrant formal
12 action by the board but that should not be dismissed as being without
13 merit, issuance and sending of a letter of admonition ~~by certified mail~~ to
14 the area operator.

15 (II) When THE BOARD SENDS a letter of admonition ~~is sent by the~~
16 ~~board, by certified mail~~ to an area operator, ~~such~~ THE BOARD SHALL
17 CONTEMPORANEOUSLY ADVISE THE area operator ~~shall be advised~~ that he
18 or she has the right to request in writing, within twenty days after receipt
19 of the letter, that formal disciplinary proceedings be initiated to adjudicate
20 the propriety of the conduct upon which the letter of admonition is based.

21 **SECTION 4.** In Colorado Revised Statutes, 25-5-702, **amend**
22 (4.5), (6), and (7) as follows:

23 **25-5-702. Definitions.** As used in this part 7, unless the context
24 otherwise requires:

25 (4.5) "Program ~~administrator~~ DIRECTOR" means the person who
26 manages the board's offices on a day-to-day basis and works with the
27 supervisory tramway engineer and the board in implementing the policies,

1 decisions, and orders of the board.

2 (6) "Staff" means the program ~~administrator~~ DIRECTOR, the
3 supervisory tramway engineer, and their clerical staff.

4 (7) "Supervisory tramway engineer" means the tramway engineer
5 who works with the program ~~administrator~~ DIRECTOR and the board in
6 implementing the policies, decisions, and orders of the board.

7 **SECTION 5.** In Colorado Revised Statutes, 25-5-704, **amend**
8 (1)(d) and (1)(k) as follows:

9 **25-5-704. Powers and duties of board.** (1) The board has the
10 following powers and duties in addition to those otherwise described by
11 this part 7:

12 (d) To conduct meetings, hold hearings, and take evidence in all
13 matters relating to the exercise and performance of the powers and duties
14 of the board, subpoena witnesses, administer oaths, and compel the
15 testimony of witnesses and the production of books, papers, and records
16 relevant to the subject inquiry. The program ~~administrator~~ DIRECTOR may
17 issue subpoenas on behalf of the board at the board's direction. If ~~any~~ A
18 person refuses to obey any subpoena ~~so~~ issued BY THE BOARD OR ON
19 BEHALF OF THE BOARD AT THE BOARD'S DIRECTION, the board may petition
20 the district court, setting forth the facts, and thereupon the court in a
21 proper case shall issue ~~its~~ THE subpoena. The board may appoint an
22 administrative law judge pursuant to part 10 of article 30 of title 24
23 C.R.S., to take evidence and to make findings and report them to the
24 board. The board may elect to hear the matter itself with the assistance of
25 an administrative law judge, who shall rule on the evidence and otherwise
26 conduct the hearing in accordance with the "State Administrative
27 Procedure Act", article 4 of title 24. C.R.S.

(k) To delegate duties to the program administrator DIRECTOR;

SECTION 6. In Colorado Revised Statutes, **amend as relocated**
by House Bill 19-1172 12-150-120 as follows:

4 **12-150-120. Repeal of article.** This article 150 is repealed,
5 effective ~~July 1, 2019~~ SEPTEMBER 1, 2030. Before the repeal, the
6 passenger tramway safety board is scheduled for review in accordance
7 with section 24-34-104.

8 **SECTION 7.** In Colorado Revised Statutes, 12-150-107, **amend**
9 **as relocated by House Bill 19-1172** (2) introductory portion and (2)(b)
10 as follows:

11 **12-150-107. Disciplinary action - administrative sanctions -**
12 **grounds.** (2) THE BOARD MAY IMPOSE disciplinary action of the board
13 may be imposed as an alternative to or in conjunction with the issuance
14 of orders or the pursuit of other remedies provided by section 12-150-108
15 or 12-150-116. ~~and~~ DISCIPLINARY ACTION may consist of INCLUDE any of
16 the following:

SECTION 8. In Colorado Revised Statutes, 12-150-103, **amend**
as relocated by House Bill 19-1172 (6), (8), and (9) as follows:

12-150-103. **Definitions.** As used in this article 150, unless the context otherwise requires:

24 (6) "Program administrator DIRECTOR" means the person who
25 manages the board's offices on a day-to-day basis and works with the
26 supervisory tramway engineer and the board in implementing the policies,
27 decisions, and orders of the board.

(8) "Staff" means the program administrator DIRECTOR, the supervisory tramway engineer, and their clerical staff.

(9) "Supervisory tramway engineer" means the tramway engineer who works with the program **administrator** DIRECTOR and the board in implementing the policies, decisions, and orders of the board.

SECTION 9. In Colorado Revised Statutes, 12-150-105, amend as relocated by House Bill 19-1172 (1)(d) and (1)(k) as follows:

12-150-105. Powers and duties of board. (1) The board has the following powers and duties in addition to those otherwise described by this article 150:

(d) To conduct meetings, hold hearings, and take evidence in accordance with section 12-20-403. The program administrator DIRECTOR may issue subpoenas in accordance with section 12-20-403 (2) on behalf of the board at the board's direction.

(k) To delegate duties to the program administrator DIRECTOR;

SECTION 10. Effective date. This act takes effect upon passage; except that sections 6 through 9 of this act take effect only if House Bill 19-1172 becomes law, in which case sections 6 through 9 take effect on October 1, 2019.

SECTION 11. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.